

## **ORDINANCE 12- 2003**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, PROVIDING FOR THE ENACTMENT OF A FLOOD DAMAGE PREVENTION PLAN TO CONFORM TO THE NATIONAL FLOOD INSURANCE ACT OF 1986, AS AMENDED, AND THE ADOPTION OF FLOODPLAIN MANAGEMENT REGULATIONS THAT MEET THE STANDARDS OF THE NATIONAL FLOOD INSURANCE PROGRAM; PROVIDING FOR REPEAL OF ORDINANCE 5, 1987 AND EXISTING REGULATIONS; PROVIDING FOR A NEW CHAPTER 9.1 OF THE TOWN CODE OF ORDINANCES ENTITLED "FLOODPLAIN REGULATIONS"; PROVIDING FOR DEFINITIONS; ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD; PROVIDING FOR THE REQUIREMENT OF A DEVELOPMENT PERMIT; PREVAILING PENALTIES FOR VIOLATION; DESIGNATING BUILDING OFFICIAL AS FLOODPLAIN ADMINISTRATOR; PROVIDING FOR PERMIT PROCEDURES; ESTABLISHING DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR; PROVIDING STANDARDS FOR FLOOD HAZARD REDUCTION; PROVIDING VARIANCE PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes ("Municipal Home Rule Powers Act"), the Town has the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Town Commission finds that: (1) the flood hazard areas of the Town of Lake Park are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public safety and general welfare; and (2) these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages; and

WHEREAS, the Town Commission hereby determines that the adoption of revised and comprehensive floodplain management regulations is the best interests of the citizens and residents of the Town of Lake Park.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, THAT:

SECTION 1: The foregoing "Whereas" clauses are hereby ratified as true and confirmed and are incorporated herein.

SECTION 2: The Town Commission hereby repeals Ordinance 5, 1987 in its entirety.

SECTION 3: The Town Commission hereby repeals Chapter 9.1, "Flood Damage Prevention," of Part II, "Code of Ordinances," of the Town's Code of Ordinances in its entirety and substitutes the following in its place:

## Chapter 9.1

### FLOODPLAIN REGULATIONS

#### ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

##### SECTION 9.1-1 STATUTORY AUTHORIZATION

The Legislature of the State of Florida has in Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes ("Municipal Home Rule Powers Act") delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Town Commission of the Town of Lake Park does hereby adopt the following floodplain management regulations.

##### SECTION 9.1-2 FINDINGS OF FACT

- (1) The flood hazard areas of the Town of Lake Park are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

**SECTION 9.1-3** PURPOSE, OBJECTIVES AND METHODS.

(a) ***Statement of Purpose.*** It is the purpose of this Chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(b) ***Objectives.*** The objectives of this Chapter are:

- (1) To protect human life and health;
- (2) To minimize the expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and

gas mains, electric and telephone and sewer lines, streets and bridges located in floodplains;

- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (7) To ensure that potential homebuyers are notified that property is in a flood area.

(c) **Methods.** In order to accomplish its purposes, this Chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas.

#### **SECTION 9.1-4      DEFINITIONS**

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed herein, except where the context clearly indicates a different meaning:

*Accessory Structure* (Appurtenant structure) means a structure which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Accessory structures should

constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

*Addition* (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall. Any walled or roofed addition which is connected by a firewall or is separated by independent perimeter load bearing walls is new construction

*Appeal* means a request for a review of the floodplain administrator's interpretation of any provision of this division or a request for a variance.

*Area of shallow flooding* means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this division.

*Basement* means that portion of a building having its floor sub-grade (below ground level) on all sides.

*Building* see *Structure*.

*Coastal high hazard area* means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated a FIRM as Zone V1--30, VE or V.

*Critical facility* means a facility for which even a slight chance of flooding

might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

*Development* means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

*Elevated building* means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

*Encroachment* means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*Existing Construction* means any structure for which the "start of construction" commenced prior to the effective date of this Chapter.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Town.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood Boundary and Floodway Map (FBFM)* means the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

*Flood Hazard Boundary Map (FHBM)* means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

*Flood Insurance Rate Map (FIRM)* means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood Insurance Study (FIS)* is the official hydraulic & hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood.

*Floodplain* means any land area susceptible to flooding.

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

*Floodplain Management Administrator* is the building official or other individual appointed to administer and enforce the provisions of this Chapter.

*Floodplain management regulations* means this Chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Floodway Fringe* means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

*Hardship (as related to variances from the requirements of this Chapter)* means the exceptional hardship that would result from a failure to grant the requested variance.

*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a building.

*Historic Structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory historic places in communities with historic preservation programs that have been certified either:
  - By an approved state program as determined by the Secretary of the Interior, or
  - Directly by the Secretary of the Interior in states without



approved programs.

*Increased Cost of Construction (ICC)* means the cost to repair a substantially damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. ICC insurance coverage is provided in a standard (NFIP) flood insurance policy.

*Lowest adjacent grade* means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the nonelevation design standards of this ordinance.

*Manufactured home* means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Market value* means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

*Mean Sea Level* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within

the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

*National Geodetic Vertical Datum (NGVD)* as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

*New Construction* means any structure for which the "start of construction" commenced after effective date of this Chapter. The term also includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by the Town.

*Nuisance* means anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

*Obstruction* includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

*Recreational vehicle* means a vehicle that is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and

- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Regulatory Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Repetitive Loss* means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

*Special flood hazard area (SFHA) (see Area of Special Flood Hazard)* means an area having special flood hazard and shown on a FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

*Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act P. L. 97-348)*, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** means all walled and roofed buildings, including gas or liquid storage tanks and manufactured homes that are principally above ground.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred repetitive loss or "substantial damage," regardless of the actual repair work performed. This includes any combination of repairs, reconstruction, alteration, or improvements to a building taking place during a 5 year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the building either:

- (1) Before the improvement or repair is started; or,
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term includes structures that have incurred "substantial damage" and are "repetitive loss," regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

- (1) Any project for improvement of a building required to comply

with existing health, sanitary, or safety code violations which have been identified prior to permit issuance by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or,

- (2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

*Substantially improved existing manufactured home parks or subdivisions* is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

*Variance* is a grant of relief from the requirements of this Chapter, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

*Violation* means the failure of a structure or other development to be fully compliant with this Chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

*Watercourse* means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

## **Article II. GENERAL PROVISIONS**

### **SECTION 9.1-5 APPLICABILITY.**

This Chapter shall apply to all areas of special flood hazard within the zoning and building code jurisdiction of the Town Commission of the Town of Lake Park.

**SECTION 9.1-6 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard shall be those identified by the Federal Emergency Management Agency in the Flood Insurance Rate Map (FIRM) Community Panel Number 120212 0005B, dated September 15, 1978, with accompanying maps and other supporting data, and any revision thereto. These materials are adopted by reference and declared to be a part of this Chapter.

**SECTION 9.1-7 ESTABLISHMENT OF DEVELOPMENT PERMIT**

A development permit shall be required in conformance with the provisions of this Chapter prior to the commencement of any development activities.

**SECTION 9.1-8 COMPLIANCE**

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.

**SECTION 9.1-9 ABROGATION AND GREATER RESTRICTIONS**

This Chapter is not intended to repeal, abrogate, or impair any existing easements or covenants. However, where this Chapter conflicts with or overlaps existing ordinances, whichever imposes the more stringent restrictions shall prevail.

**SECTION 9.1-10 INTERPRETATION**

In the interpretation and application of this Chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

**SECTION 9.1-11    WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Town Commission of the Town of Lake Park or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**SECTION 9.1-12    PENALTIES FOR VIOLATION**

Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 60 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Lake Park from taking such other lawful actions as is necessary to prevent or remedy any violation.

**Article III. ADMINISTRATION**

**SECTION 9.1-13    DESIGNATION OF FLOOD DAMAGE PREVENTION ORDINANCE  
ADMINISTRATORS**

The Town Commission of the Town of Lake Park hereby appoints the Town Building Official to administer and implement the provisions of this Ordinance and is herein referred to as the Floodplain Ordinance Administrator, the Floodplain Management Administrator and/or the Administrator.

**SECTION 9.1-14    PERMIT PROCEDURES**

Application for a development permit shall be made to the Community Development Department on forms furnished by the Community Development Department prior to any development activities. Such forms may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

**(1) Application Stage:**

- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
- c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article IV, Section 9.1-17(2) and 9.1-18(2); and
- d. Description of the extent to which any watercourse will be altered or relocated as result of proposed development.

**(2) Construction Stage:**

Upon placement of the lowest floor, or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Building Official a certification of the NGVD elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Official shall review the lowest floor and flood-proofing elevation survey data submitted. The permit holder,



immediately and prior to further progressive work being permitted to proceed, shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

**SECTION 9.1-15 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties of the Administrator shall include, but not be limited to:

- (1) Review all development applications and permits to assure that the application requirements of this division have been satisfied;
- (2) Advise permittee/applicant that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;
- (3) Notify adjacent communities, the State Floodplain Coordinator, and other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved buildings, in accordance with Article III, Section 9.1-14(2);
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article III, Section 9.1-14(2);

- (7) Review certified plans and specifications for compliance.
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (9) When base flood elevation data or floodway data have not been provided in accordance with Article II, Section 9.1-6, then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source (including the applicant), in order to administer the provisions of Article V.

#### **Article IV. PROVISIONS FOR FLOOD HAZARD REDUCTION**

##### **SECTION 9.1-16 GENERAL STANDARDS**

In all areas of special flood hazard, the following provisions are required and shall be enforced by the Floodplain Administrator prior to construction plan approval:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance; and
- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

#### **SECTION 9.1-17 SPECIFIC STANDARDS**

In areas where base flood elevation data has been provided, as set forth in section Article II, Section 9.1-6, the following provisions are required:

- (1) Residential Construction. New construction or substantial

improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than the base flood elevation or the South Florida Water Management District zero discharge finished floor, whichever is greater. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section Article IV, Section 9.1-17(3).

- (2) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than the base flood elevation or the South Florida Water Management District zero discharge finished floor, whichever is greater. Buildings located in all A-Zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the base flood elevation (plus any community free board) are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article III, Section 9.1-15(9).
- (3) **Elevated Buildings.** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
  - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - i. Provide a minimum of two openings having a total net area of not less than one square inch

for every square foot of enclosed area subject to flooding;

- ii. The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade);
- iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
- iv. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- v. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

**(4) Standards for Manufactured Homes and Recreational Vehicles.**

- a. All manufactured homes placed or substantially improved on individual lots or parcels in a new or substantially improved manufactured home park or subdivision must meet all the requirements for new construction, including elevation and anchoring.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
  - i. The lowest floor of the manufactured home is elevated no lower than 0.5 feet above the level

of the base flood elevation, or

- ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the ground; and
- iii. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement; and
- iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Article IV, 9.1-17(4)b.i. and iii above.

c. All recreational vehicles placed on sites must either:

- i. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions);
- ii. Meet all the requirements for new construction, including anchoring and elevation requirements of Article IV, Section 9.1-17(4)b.i or iii above; or
- iii. Be on the site for fewer than 180 consecutive days.

#### (5) Floodways

Located within areas of special flood hazard established in Article II, Section 9.1-6, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential projectiles and has erosion potential, the following provisions shall apply:

- a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
- b. If Article IV, Section 9.1-17(5)a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.
- c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article IV, Section 9.1-16(2) and the encroachment standards of Article IV, Section 9.1-17(5)a, are met.

**SECTION 9.1-18 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)**

Located within areas of special flood hazards established in Article II, Section 9.1-6, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1 – 3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate. In such areas, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than one (1.0) foot above the base flood elevation or the South Florida Water Management District zero discharge finished floor, whichever is greater.
- (2) All new construction and substantial improvements of non-residential structures shall:
  - a. Have the lowest floor, including basement, elevated to the

flood depth number specified on the Flood Insurance Rate Map above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, elevated at least one (1.0) foot above the base flood elevation or the South Florida Water Management District zero discharge finished floor, whichever is greater; or

- b. Together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Article IV, Section 9.1-17(2).

#### **SECTION 9.1-19 STANDARDS FOR SUBDIVISION PROPOSALS**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), greater than the lesser of fifty lots or five acres.

#### **SECTION 9.1-20 CRITICAL FACILITIES**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.



**Article V. VARIANCE PROCEDURES**

**SECTION 9.1-21 DESIGNATION OF BOARD OF ADJUSTMENT**

The Board of Adjustment as established by the Town Commission of the Town of Lake Park shall hear and decide appeals and requests for variances from requirements of this Chapter.

**SECTION 9.1-22 DUTIES OF BOARD OF ADJUSTMENT**

The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this Chapter. Any person aggrieved by the decision of the Board may seek review by filing a petition for writ of certiorari in the circuit court as provided by Florida law.

**SECTION 9.1-23 VARIANCE PROCEDURES**

In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Chapter, in addition to the following:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated

development;

- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected height, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, in addition to streets and bridges.

#### **SECTION 9.1-24 CONDITIONS FOR VARIANCES**

- (1) Variances shall only be issued when all of the following criteria are found to exist:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create a nuisance, cause fraud on or the victimization of the public, or conflict with existing local laws or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief, considering the flood hazard. In the instance of an "historic structure," there must be a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that

the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (4) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

#### **SECTION 9.1-25 VARIANCE NOTIFICATION**

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the Town's biennial report submission to the Federal Emergency Management Agency. Any applicant to whom a variance is granted shall be given written notice that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
- (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Official Records of Palm Beach County and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

#### **SECTION 9.1-26 HISTORIC STRUCTURES**

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

#### **SECTION 9.1-27 SPECIAL CONDITIONS**

Upon consideration of the factors listed in Article V, and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

**SECTION 4:** The provisions of this Ordinance shall become and be made a part of the code of laws and ordinances of the Town of Lake Park.

**SECTION 5:** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

**SECTION 6:** All ordinances or parts of ordinances of the Town of Lake Park, Florida, which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 7:** Effective date. The provisions of this Ordinance shall become effective immediately upon adoption.

Meeting Date: July 2, 2003

Upon First Reading this 18<sup>th</sup> day of June, 2003, the foregoing ORDINANCE was offered by Commissioner Balius who moved its approval. The motion was seconded by Commissioner Otterson, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER JEANINE LONGTIN	X	
COMMISSIONER BILL OTTERSON	X	

Upon Second Reading this 2<sup>nd</sup> day of July, 2003, the foregoing ORDINANCE was offered by Commissioner Garretson who moved its adoption. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER JEANINE LONGTIN	X	
COMMISSIONER BILL OTTERSON	X	


The Mayor thereupon declared Ordinance No.12-2003 duly passed and adopted this 2<sup>nd</sup> day of July, 2003.


TOWN OF LAKE PARK, FLORIDA

BY:   
Mayor Paul Castro

ATTEST:

Approved as to form and legal sufficiency:

  
Carol Simpkins, Town Clerk  
(Town Seal)

  
Thomas J. Baird, Town Attorney



# THE PALM BEACH POST

Published Daily and Sunday  
West Palm Beach, Palm Beach County, Florida

## PROOF OF PUBLICATION

### STATE OF FLORIDA COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Tracey Diglio, who on oath says that she is Telephone Sales Supervisor of The Palm Beach Post, a daily and Sunday newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being Notice in the matter of Ordinance 12-2002 was published in said newspaper in the issues of June 28, 2003. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Tracey Diglio*

Sworn to and subscribed before this 30<sup>th</sup> day of June, A.D. 2003

*M. J. H. M. T. H.*

Personally known XX or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_



PLEASE TAKE NOTICE AND BE ADVISED that if any interested person desires to appeal any decision made by the Town Commission with respect to any matter considered at this hearing, such interested persons will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans Disabilities Act and Florida Statute 86.26, a person with disabilities needing special accommodations to participate in this process should contact the Town Clerk's Department, no later than 5 days prior to the proceeding at telephone number (561) 891-3311 for assistance. If hearing impaired, telephone the Florida Relay Service Numbers (800) 955-8771 (TDD) or (800) 955-8700 (VOICE) for assistance. If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. One or more Town Commissioners may be present at this meeting.

PUB: The Palm Beach Post  
June 28, 2003

# THE PALM BEACH POST

Published Daily and Sunday  
West Palm Beach, Palm Beach County, Florida

## PROOF OF PUBLICATION

### STATE OF FLORIDA COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Tracey Diglio, who on oath says that she is Telephone Sales Supervisor of The Palm Beach Post, a daily and Sunday newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being Notice in the matter of Public Hearing was published in said newspaper in the issues of June 9, 2003. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Tracey Diglio*

Sworn to and subscribed before this 9<sup>th</sup> day of June, A.D. 2003

*[Signature]*

Personally known XX or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_



NO. 7328810  
NOTICE OF CODE OF  
ORDINANCES  
AMENDMENT  
TOWN OF LAKE PARK  
PLEASE TAKE NOTICE  
AND BE ADVISED that a  
Public Hearing will be con-  
ducted by the Town Com-  
mission of the Town of Lake  
Park, Florida, on Wednes-  
day, June 18, 2003, or as  
soon thereafter as can be  
heard, in the Town Commis-  
sion Chambers at the Town  
Hall, 535 Park Ave., Lake  
Park, Florida to make a rec-  
ommendation to City Council  
regarding the following  
ordinance:  
AN ORDINANCE OF THE  
TOWN COMMISSION OF  
THE TOWN OF LAKE  
PARK, FLORIDA, PROV-  
IDING FOR THE ENACT-  
MENT OF A FLOOD DAM-  
AGE PREVENTION PLAN  
TO CONFORM TO THE  
NATIONAL FLOOD INSUR-  
ANCE ACT OF 1986, AS  
AMENDED, AND THE  
ADOPTION OF FLOOD-  
PLAIN MANAGEMENT  
REGULATIONS THAT  
MEET THE STANDARDS  
OF THE NATIONAL FLOOD  
INSURANCE PROGRAM;  
PROVIDING FOR REPEAL  
OF ORDINANCE 5, 1987  
AND EXISTING REGULA-  
TIONS; PROVIDING FOR A  
NEW CHAPTER 9.1 OF  
THE TOWN CODE OF  
ORDINANCES ENTITLED  
"FLOODPLAIN REGULA-  
TIONS," PROVIDING FOR  
CODIFICATION; PROVID-  
ING FOR SEVERABILITY;  
PROVIDING FOR CON-  
FLICTS; AND PROVIDING  
FOR AN EFFECTIVE DATE.  
All documents pertaining  
to said petition are on file in the  
Community Development  
Department and may be  
reviewed by members of the  
public during normal busi-  
ness hours, 8:00 A.M. to  
5:00 P.M., Monday through  
Friday. All members of the  
public are invited to attend  
and participate in said  
meeting.  
PLEASE TAKE NOTICE  
AND BE ADVISED that if  
any interested person  
desires to appeal any deci-  
sion made by the Town  
Commission with respect to  
any matter considered at  
this hearing, such inter-  
ested persons will need a  
record of the proceedings,  
and for such purpose may  
need to ensure that a verba-  
tim record of the proceed-  
ings is made, which record  
includes the testimony and  
evidence upon which the  
appeal is to be based.  
In accordance with the  
American Disabilities Act  
and Florida Statute 86.26,  
person with disabilities  
needing special accommo-  
dations to participate in this  
process should contact the  
Town Clerk's Department,  
no later than 5 days prior to  
the proceeding at tele-  
phone number (561) 881-3311  
for assistance; if hearing im-  
paired, telephone the Florida  
Relay Service Numbers (800) 955-  
8771 (TDD) or (800) 955-8700  
(VOICE) for assistance. If a  
person decides to appeal any  
decision made by the Commis-  
sion, with respect to any mat-  
ter considered at such meeting  
or hearing, they will need a  
record of the proceedings, and  
for such purpose, they may  
need to ensure that a verbatim  
record of the proceedings is  
made, which record includes  
the testimony and evidence  
upon which the appeal is to be  
based. One or more Town  
Commissioners may be present  
at this meeting.  
PUB: The Palm Beach Post  
June 9, 2003

THE PALM BEACH POST  
Published Daily and Sunday  
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Tracey Diglio, who on oath says that she is Telephone Sales Supervisor of The Palm Beach Post, a daily and Sunday newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being Notice in the matter of Ordinance 12-2003 was published in said newspaper in the issues of June 22, 2003. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Tracey Diglio*

Sworn to and subscribed before this 23<sup>rd</sup> day of June, A.D. 2003

*Karen M. McLinton*

Personally known XX or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



NO. 7369251  
LEGAL NOTICE OF  
PROPOSED ORDINANCE  
ADOPTION  
TOWN OF LAKE PARK  
Please take notice that on  
Wednesday, July 2, 2003 at  
7:30 p.m. the Commission  
of the Town of Lake Park,  
Florida in regular session to  
be held in the Commission  
Chambers, Town Hall, 535  
Park Avenue, Lake Park,  
Florida will consider the fol-  
lowing Ordinance on sec-  
ond reading and proposed  
adoption thereof:  
ORDINANCE 12-2003  
AN ORDINANCE OF THE  
TOWN COMMISSION OF  
THE TOWN OF LAKE  
PARK, FLORIDA, PRO-  
VIDING FOR THE ENACT-  
MENT OF A FLOOD DAM-  
AGE PREVENTION PLAN TO  
CONFORM TO THE  
NATIONAL FLOOD INSUR-  
ANCE ACT OF 1986, AS  
AMENDED, AND THE  
ADOPTION OF FLOOD-  
PLAIN MANAGEMENT  
REGULATIONS THAT  
MEET THE STANDARDS  
OF THE NATIONAL FLOOD  
INSURANCE PROGRAM;  
PROVIDING FOR REPEAL  
OF ORDINANCE 5, 1987  
AND EXISTING REGULA-  
TIONS; PROVIDING FOR A  
NEW CHAPTER 9.1 OF  
THE TOWN CODE OF  
ORDINANCES ENTITLED  
"FLOODPLAIN REGULA-  
TIONS"; PROVIDING FOR  
DEFINITIONS; ESTAB-  
LISHING AREAS OF SPE-  
CIAL FLOOD HAZARD;  
PROVIDING FOR THE  
REQUIREMENT OF A  
DEVELOPMENT PERMIT;  
PREVAILING PENALTIES  
FOR VIOLATION; DESIG-  
NATING BUILDING OFFI-  
CIAL AS FLOODPLAIN  
ADMINISTRATOR; PRO-  
VIDING FOR PERMIT PRO-  
CEDURES; ESTABLISH-  
ING DUTIES AND  
RESPONSIBILITIES OF  
FLOODPLAIN ADMINIS-  
TRATOR; PROVIDING  
STANDARDS FOR FLOOD  
HAZARD REDUCTION;  
PROVIDING VARIANCE  
PROCEDURES; PROVID-  
ING FOR CODIFICATION;  
PROVIDING FOR SEVER-  
ABILITY; PROVIDING FOR  
CONFLICTS; AND PRO-  
VIDING FOR AN EFFECT-  
IVE DATE.  
If a person desires to appeal  
any decision made by the  
Town Commission with  
respect to any hearing, they  
will need a record of the  
proceedings and for such  
purpose may need to  
ensure that a verbatim  
record of the proceedings is  
made, which record  
includes the testimony and  
evidence upon which the  
appeal is to be based.  
Carol Simpkins, OMC  
Town Clerk  
Town of Lake Park, FL  
PUB: The Palm Beach Post  
June 22, 2003